IN RE: PETITION FOR SPECIAL HEARING C/L Garrison Forest Road, 2200 ft.

NW of Greenspring Valley Road

200 Garrison Forest Road 3rd Election District

3rd Councilmanic District

Jeffrey W. Durkee, et ux.

Petitioners

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-174-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property at 200 Garrison Forest Road, located within the Greenspring Valley section of Baltimore County. The Petition was filed by Jeffrey W. Durkee and Natalie P. Durkee, property owners. Special Hearing relief is requested to approve a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of the requirements of Sections 26-203(c)(8) and 27-278 of the Code, to construct an addition to a historic structure. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Laura Thul Penza, an architect engaged by the Petitioners to design the proposed addition. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the property is approximately 3.398 acres in area, zoned R.C.5. This is an irregularly shaped parcel with frontage on Garrison Forest Road in the Greenspring Valley. Presently, the property is improved with an existing three story framed dwelling. According to information submitted by the Office of Planning, the structure is known as the "Theodore Kaplan House" and was constructed in approximately 1911. The building is on the Maryland Historical Trust Inventory. Additionally, the overall site is within the Greenspring

Valley National Register District.

Mr. and Mrs. Durkee have recently acquired the property and propose to reside thereon. They have undertaken significant renovations of the existing structure. As part of these efforts, the Petitioners propose constructing a one story framed addition and a 2-1/2 car garage. The garage will provide storage space for automobiles and household items. The one story framed addition will serve as a mud room and link the garage to the main living area of the house. Ms. Penza indicated that the addition and the garage will be architecturally compatible with the existing structure.

The above described renovations were considered by the Landmarks Preservation Commission at its meeting on October 8, 1998. The Landmarks Preservation Commission unanimously agreed with the Office of Planning's recommendation that the proposed addition will be within the scope, purpose and intent of Section 26-278 of the Code. That section requires that historic structures be preserved and that renovations thereto be consistent with the character of the structure. A waiver of the development plan requirements set forth in Section 26-203(c)(8), and a finding that the proposed construction is consistent with the requirements of Section 26-278, is appropriate in this case. I concur with the conclusion of the Office of Planning and the Landmarks Preservation Commission.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

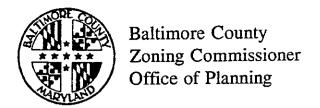
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of December 1998 that, pursuant to the Petition for Special Hearing, approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Code to the requirements of Sections 26-203(c)(8) and

27-278 of the Code, to construct an addition to a historic structure, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The architecture and construction materials for the proposed renovations (i.e., garage and addition) shall be identical to and reviewed by the Landmarks Preservation Commission.

TAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

December 22, 1998

Ms. Laura T. Penza Penza Associates Architects, Inc. 2203 N. Charles Street Baltimore, Maryland 21218

RE: Petition for Special Hearing

Case No. 99-174-SPH

Property: 200 Garrison Forest Road

Petitioner: Jeffrey W. and Natalie P. Durkee, Petitioners

Dear Ms. Penza:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

TAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn encl.

c: Mr. and Mrs. Jeffrey W. Durkee 200 Garrison Forest Road Owings Mills, Maryland 21117



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

e at a manager located at 7.00	GARRISON FOREST ROAD
for the property located at 200 which is presen	tly zoned R.C. 5

is the subject of this Petition.

OFFICE USE ONLY

Date _

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING_

Reviewed By _____

416)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A WAIVER PURSUANT TO SECTIONS 26-171 (6) BCC OF SELTIONS 24-203 (c) (8) AND 24-218 TO CONSTRUCT ADDITION TO BUILDING.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. IWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>
		Jeffrey W. Durkel
Name - Type or Print		Name-Type or Print where
Signature		Natalie P. Durker
Address	Telephone No.	Name Type or Print hy falle P. Your h
City State	Zip Code	Signature 200 GARRISON FOREST RI
Attorney For Petitioner:		Address
Name - Type or Print		OWINGS MILLS, MD 211
History - Type of Frank		Representative to be Contacted:
Signature		PENZA ASSOC ARUNTEL
Company		Name 2203 N. CHARLES ST.
Address	Telephone No.	Roy DAIDLE MD 2
State State	Zip Coce	City

Zoning Description for: 200 Garrison Forest Road Owings Mills, MD 21117

Beginning at a point at the center of Garrison Forest Road, \$85*45'10"W 628.72', N08*10'10"W 235.38', \$85*45'10"W 628.72', S25*06'10"E 281.82' to the place of beginning.

Being recorded in Baltimore County Deed Liber #5931, Folio #020, containing +/- 146,767.68 S.F. (+/-3.398 acres), approximately 2200 L.F. northwest from nearest intersection at Greenspring Valley Road.

Also Known as 200 Garrison Forest Road in the District 3C3.

99-174-SPH

	TO STATE (4/2) AND THE STATE OF	CHENT IS OCHOST OF THE CHEST	SAFFINGE CONTY, MAY FANT		エネー 50	CASHIER'S VALIDATION
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BALTIMORE COUNTY, MAR IND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	ACCOUNT	CAN AMOUNT \$	22 N N SOC	CAPACASON	SPH	PINK - AGENCY YELLOW - CUSTOMER
BALTIMORE COU OFFICE OF BUDGET MISCELLANEOUS	DATE: ALC		RECEIVED ()	FOR:		DISTRIBUTION WHITE - CASHIER

The Zoning Commissioner of Battimore Courts, by authority of the Zoning Act and Regulations of Battimore Courty will hold a public Regulation a public Regulation of His property identified (Bright as follows: Case #99-174-SPH 200 Garrison Forest Road, SW/S, Garrison Forest Road, 2200 WV Greinspring Valley Road Bection District 3rd Election District Legal Owner(s): Natalle P. & Jeffrey W, Durkjeé

Spetial Hearing: to approach a walver pursuant to Section 26-171, 26-172(b), BCC Sections, 26-203(c)(g) a 26-203 (c) construction and tion to building.
Hearing: Monday, Désart 14, 1998 et 10:60, a.m.
Room, 407, Cquinty Co.
Bidg., 4th Boaley Avenue

LAWRENCE E. SCHMIDT Zoning Conting Confines From Marines Countries Countries are Handicapped Accessibles for special accommodations Pease Call (410) 897-3383. (2) For information condeming the File and/or Hearing.

11/378 Nov. 26 C2758 2

CERTIFICATE OF PUBLICATION

8861, CE .W TOWSON, MD.,

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive THIS IS TO CERTIFY, that the annexed advertisement was weeks, the first publication appearing on 1 w 26, 1998

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF PFRMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

CASE NUMBER: 199-174-5PH

PETITIONER/DEVELOPER: () Jeffrey W. Durker

DATE OF HEARING/CLOSENG: () 12-14-98

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECES\$ARY SIGN (S) REQUIRED BY LAW WERE POSTED

CONSPICUOUSLY ON THE PROPERTY LOCATED AT.

200 Harrison Forest Rd. Baltimere, mol. 21117

THE SIGN (S) WERE POSTED ON, 11-25-98 BY THE UNDERSIGNED.

SINCERELY,

THOMAS P. OGLE SR. 325 NICHOLSON RD.

BALTIMORE MD. 21221

(410) 687-8405

(410) 687-4381 (FAX)

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
200 Garrison Forest Road, C/I Garrison Forest	*	70) III I CO O O O O O O O O O O O O O O O
Road, 2200' NW Greenspring Valley Road, 3rd Election District, 3rd Councilmanic	•	ZONING COMMISSIONER
•	*	FOR
Legal Owners: Jeffrey W. and Natalie P. Durkee		
	*	BALTIMORE COUNTY
Petitioner(s)		
	*	Case Number: 99-174-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

May Timmerman

CAROLE S. DEMILIO

adule S. Semilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

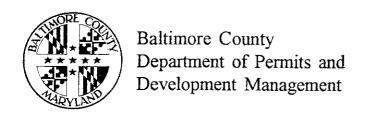
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this $\frac{13}{100}$ day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Laura Thul Penza, Penza Assoc. Architects, Inc., 2203 N. Charles Street, Baltimore, MD 21218, representative for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

November 4, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-174-SPH
200 Garrison Forest Road
SW/S Garrison Forest Road, 2200' NW Greenspring Valley Road
3rd Election District – 3rd Councilmanic District
Legal Owner: Natalie P. & Jeffrey W. Durkee

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(8) and 26-278 to construction addition to building.

HEARING: Monday, December 14, 1998 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon
Director

.

c:. Natalie & Jeffrey Durkee Penza Assoc. Architects, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 29, 1998.

- (2) HEARINGS ARÉ HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

November 25, 1998 Issue - Jeffersonian

Please forward billing to:

Laura Penza

410-467-7741

Penza Assoc. Architects, Inc. 2203 N. Charles Street Baltimore. MD 21218

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-174-SPH 200 Garrison Forest Road

SW/S Garrison Forest Road, 2200' NW Greenspring Valley Road

3rd Election District – 3rd Councilmanic District Legal Owner: Natalie P. & Jeffrey W. Durkee

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(8) and 26-278 to construction addition to building.

HEARING: Monday, December 14, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

				ARNOLD	JABLON,	DIRECTOR	-
For newspape	r adve	rtising:	·				-
Item No.:	174						
Petitioner:	Do	akee					
Location: 2	.00	GARRIS	ON FO	rest	RO AD		-
PLEASE FORWA	RD ADV	ERTISING BI	LL to:				
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ADDRESS: 22			,				
BA	UNN	ORE 1	MA	217-18	·		
PHONE NUMBER	: (41) 467-	77+1		_ .		
	_	-					

AJ:ggs

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-174-5PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *					
DATE AND TIME: *	·		<u>.</u>		
REQUEST: Special	HEARING	for	WAIVER	. of	OReservation
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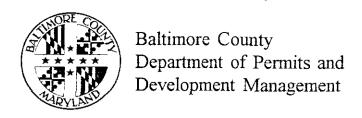
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 pout 4.doc *UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 11, 1998

Ms. Laura Thul Penza, AIA Penza Assoc. Architects, Inc. 2203 N. Charles Street Baltimore, MD 21218

RE: Item No.: 174

Case No.: 99-174-SPH

Location: 200 Garrison Forest Rd.

Dear Ms. Penza:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 21, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



A0/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 1, 1998

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 200 Garrison Forest Road

INFORMATION

Item Number: 174

Petitioner: Penza Assoc. Architects, Inc.

Zoning: R.C. 5

Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL – The property located at 800 Garrison Forest Road is listed on the Maryland Historical Trust Inventory as the "Theodore Kaplan House" (ca. 1911), No. BA 1630. The site is also within the Greenspring Valley National Register District.

At their meeting on October 8, 1998, the Landmarks Preservation Commission unanimously agreed with the Office of Planning's recommended finding to the Hearing Officer, that under Section 26-172 (a) (1), the proposed addition would be within the scope, purpose and intent of Section 26-278.

Section Chief

KA:kra

c: Robert C. Scott

Landmarks Preservation Commission

leffey W. Long



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

NOVEMBER 23, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner:173 - WALTER RATTERMAN

174 - JEFFREY W. DURKEE AND NATALIE P. DURKEE

175 - CRONDALL CORNER ASSOCIATES, LLC

177 - RITE AID OF MARYLAND, INC.

Location: DISTRIBUTION MEETING OF NOVEMBER 2, 1998

Item No.: 173, (174) 175, 177 Zoning Agenda:

Gentlemen:

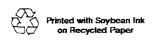
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Parris N. Glendening Governor David L. Winstead Secretary

Parker F. Williams
Administrator

Date: 11.4.9 V

Item No.

RE:

Baltimore County

Ms. Given Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Vis Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

I. f Grall

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: November 13, 1998

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RAS/9p

SUBJECT:

Zoning Item #174

Durkee Property - 200 Garrison Forest Road

Zoning Advisory Committee Meeting of November 2, 1998

T To as as	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
<u>X</u>	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	X GWM: This property is served by private water and sewage disposal system which must be evaluated prior to building permit approval.



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 9, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 9, 1998

Item Nos. 171, 172, 173, (174) 175,

177, 178, 179, 180

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

